

NOTICE PUBLICATION REGISTER

REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 01-2013)

For use by Secretary of State only

OAL FILE NUMBER Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2017-0322-01N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
AGENCY WITH RULEMAKING AUTHORITY California Department of Social Services		AGENCY FILE NUMBER (if any) ORD #1216-17	

2017 MAR 22 A 10:51
OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California
APR 27 2017
1:45 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CCL Toddler Component		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) MPP, 22		AMEND 101216.4 and 101417	
3. TYPE OF FILING		REPEAL	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Kenneth Jennings		TELEPHONE NUMBER (916) 651-8862	FAX NUMBER (Optional) (916) 654-3286
E-MAIL ADDRESS (Optional) kenneth.jennings@dss.ca.gov			

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

 TYPED NAME AND TITLE OF SIGNATORY
 PAT LEARY, CHIEF DEPUTY DIRECTOR

3/20/17

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

APR 27 2017

Office of Administrative Law

Amend Section 101216.4 to read:

101216.4 PRESCHOOL PROGRAM WITH TODDLER COMPONENT

101216.4

- (a) Licensees serving preschool-age children may create a special program component for children who are between the ages of 18 months and 30 months and 36 months of age. The provisions of Sections 101151 through 101239.2 shall apply for children over 24 months, except as in addition to those specified in Sections 101216.4(a)(1) through (6) Health and Safety Code section 1596.955. The provisions of Sections 101351 through 101439.1 shall apply for children between the ages of 18 and 24 months participating in a preschool toddler component, except as in addition to those specified in Sections 101216.4(a)(1) through (6) Health and Safety Code section 1596.955.
- (1) ~~Child care centers with an existing preschool program wishing to establish a toddler component shall submit an amended application and obtain approval from the Department.~~
- (2)(1) ~~Children in a child care center between the ages of 18 months and 30 months may be placed in the toddler program. A child older than 30 who is between 18 months and 36 months of age may participate in the toddler program with written permission from the child's authorized representative. No child in the toddler program shall be placed in the preschool program before the age of 30 months without written permission from the child's authorized representative.~~
- (3) ~~It shall be permissible for a child whose developmental needs require continuation in a toddler component to remain in the toddler component up to a maximum age of three years.~~
- (4) ~~A ratio of six children to each teacher shall be maintained for all children in attendance in the toddler program. An aide who is participating in on-the-job training may be substituted for a teacher when directly supervised by a fully qualified teacher.~~
- (5) ~~The maximum group size, with two teachers, or one fully qualified teacher and one aide, shall not exceed 12 toddlers.~~
- (6)(2) The toddler program shall be conducted in areas physically separate from those used by older or younger children. Space planning and usage for the toddler component shall be governed by the provisions of Section 101438.3. Plans to alternate use of outdoor play space must be approved by the Department.
- (A) ~~Requirements for physical separation between children in the toddler component and older or younger children need not apply when a planned activity is being conducted.~~

Authority Cited: Sections 1596.81 and 1596.955, Health and Safety Code.

Reference: Section 1596.955, Health and Safety Code.

Amend Section 101417 to read:

101417 TODDLER COMPONENT IN AN INFANT CARE CENTER

101417

- (a) Licensees serving infants may create a special program component for children who are between the ages of 18 months and 30 months and 36 months of age. The provisions of Sections 101151 through 101239.2 and 101351 through 101439.1 shall apply to infant care centers operating a toddler component, except as specified in addition to those specified in Sections 101417(a)(1) through (6) Health and Safety Code section 1596.956.
- ~~(1) Child care centers with an existing infant care program wishing to establish a toddler component shall submit an amended application as specified in Section 101169(a)(1)(A) and shall obtain approval from the Department.~~
- ~~(2) Children in a child care center between the ages of 18 months and 30 months may be placed in the toddler program. No child shall be placed in the toddler program before the age of 18 months.~~
- ~~(3)(1) The infant care center shall obtain written permission from the child's authorized representative for the placement of the child in the toddler program.~~
- ~~(4) A ratio of six children to each teacher shall be maintained for all children in attendance in the toddler program. An aide who is participating in on the job training may be substituted for a teacher when directly supervised by a fully qualified teacher.~~
- ~~(5) The maximum group size with two teachers, or one fully qualified teacher and one aide, shall not exceed 12 toddlers.~~
- ~~(6) The toddler program shall be conducted in areas physically separate from those used by older or younger children. Space planning and usage for the toddler component shall be governed by the provisions of Section 101438.3. Plans to alternate use of outdoor play space must be approved by the Department.~~
- ~~(A) Requirements for physical separation between children in the toddler component and older or younger children need not apply when a planned activity is being conducted.~~

Authority Cited: Sections 1596.81 and 1596.956, Health and Safety Code.

Reference: Section 1596.956, Health and Safety Code.